

CHAPTER 167

AIRPORT ZONING REGULATIONS

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167.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Airport" means the Humboldt Municipal Airport, which is situated upon the Southeast $\frac{1}{4}$ of Section 34 and the Southwest $\frac{1}{4}$ of Section 35, in Township 92 North, Range 29 West of the 5th P.M., in Humboldt County, Iowa, and is operated by the City.
2. "Airport elevation" means the established elevation above mean sea level, as determined by reference to United States Coast and Geodetic Survey datum, of the highest point on the usable landing area, and it is assumed to be 1095.7 feet.
3. "Airport hazard" means any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.
4. "Airport reference point" means the point established as the approximate geographic center of the airport landing area and designated and located on the airport zoning map.
5. "Board of Adjustment" means a board consisting of five (5) members appointed as provided in Section 167.08.
6. "Height" means, as used in height limits, elevation above sea level determined as in the definition of airport elevation above.
7. "Instrument runway" means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
8. "Landing area" means the area of the airport used for the landing, taking off or taxiing of aircraft.
9. "Nonconforming use" means any structure, tree, or use of land which does not conform to a regulation of this chapter or amendment thereof, and is lawfully in existence at the time of the adoption of the ordinance codified by this chapter.

10. "Non-instrument runway" means a runway other than an instrument runway.
11. "Runway" means the portion of the landing area used for landing and taking off of aircraft and designated on the airport zoning map as a runway.
12. "Structure" means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.
13. "Tree" means any object of natural growth.

167.02 ZONES. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the space lying above the lower surfaces thereof. Such zones are shown on the Humboldt Municipal Airport Height Zoning Map consisting of one sheet, prepared by Charles W. Wever and dated February 24, 1964, which map, with all its designations and information, is made a part of this chapter as if the same were fully set forth herein. Such zones are hereby established and defined as follows:

1. **Non-instrument Approach Zones.** Non-instrument approach zones are hereby established just beyond each of all non-instrument runways on the Humboldt Municipal Airport for non-instrument landings and take-offs. Each such zone shall have its centerline directly over the extended centerline of such runway, have a horizontal width perpendicular to the centerline of 250 feet at a distance of 200 feet, measured horizontally, from the end of such runway, widening thereafter uniformly as the zone extends away from the runway to a width of 2,250 feet at a distance of 10,200 feet measured horizontally beyond the end of the runway. The lower surface of each such zone slopes upward in the direction away from the runway and along the centerline one foot in height for each twenty feet in horizontal distance beginning at a point 200 feet, measured horizontally, from the end of the runway and at the ground elevation and extending to a point 10,200 feet measured horizontally, from the end of the runway.
2. **Transition Zones.**
 - A. Transition zones are hereby established adjacent to each non-instrument runway, symmetrically located on either side of the runway and having variable widths as shown on the airport zoning map. Such transition zones extend outward from a line 125 feet, measured horizontally, from and on either side of the centerline of each such runway, for the length of such runway plus 200 feet on each end, such line being parallel with such

centerline and at the airport elevation. The lower surface of each such transition zone slopes upward and outward away from such runway, in a direction perpendicular to the runway centerline, one foot vertically for each seven feet horizontally to its intersection with the lower surface of the horizontal zone.

B. Other transition zones are hereby established adjacent to and along each of the two long sides of each non-instrument approach zone for the entire length of the non-instrument approach zone. The lower surface of each such transition zone flares symmetrically with its side of the approach zone from the edge of the lower surface of the approach zone and slopes upward and outward therefrom, in a direction perpendicular to the centerline of the approach zone, at the rate of one foot vertically for each seven feet horizontally to its intersection with the lower surfaces of the horizontal and conical zones.

3. **Horizontal Zone.** A horizontal zone is hereby established as the area with a circle with its center at the airport reference point and having a radius of 5,000 feet, measured horizontally. Its lower surface is a level, horizontal plane 150 feet above the airport elevation. The horizontal zone does not include the non-instrument approach zones and the transition zones.

4. **Conical Zone.** A conical zone is hereby established commencing at the periphery of the lower surface of the horizontal zone and extending outward therefrom to a distance of 8,000 feet, measured horizontally, from the airport reference point. Its lower surface slopes upward and outward from the periphery of the lower surface of the horizontal zone at the rate of one foot vertically for each 20 feet horizontally, measured in a vertical plane passing through the airport reference point, extending to a height of 300.3 feet above the airport elevation. The conical zone does not include the non-instrument approach zones and transition zones.

167.03 HEIGHT LIMITATIONS. Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this chapter to a height above the lower surface of such zone as herein described. Nothing in this chapter shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45 feet above the surface of the land.

167.04 USE RESTRICTIONS. Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by it in such a manner as to create electrical interference with radio communication between

the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

167.05 NONCONFORMING USES.

1. **Regulations Not Retroactive.** The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified by this chapter, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of said ordinance, and is diligently prosecuted.

2. **Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Humboldt Airport Zoning Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City.

167.06 PERMITS.

1. **Future Uses.** Except as specifically provided in this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

A. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

B. In the areas lying within the limits of the instrument and non-instrument approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.

C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter and except as set forth in Section 167.03.

2. Existing Uses. No nonconforming use shall be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when this chapter or any amendment thereto rendering such use nonconforming, were adopted and no permit shall be granted that would allow it.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Humboldt Airport Zoning Commission determines that a nonconforming structure, tree or use has been abandoned or more than 60 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations, nor shall it be reconstructed, repaired or resumed after having been abandoned or torn down, deteriorated or decayed to such extent.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or otherwise use property not in accordance with the regulations prescribed in this chapter, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter and the laws of the State pertaining to airport zoning.

5. Hazard Marking and Lighting. Any permit or variance may be granted subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purpose of this chapter and be reasonable in the circumstances, and may require the owner of the structure or tree in question to permit the City, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of an airport hazard.

167.07 ENFORCEMENT. It shall be the duty of the Humboldt Airport Zoning Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Commission upon a form furnished by it. Applications required by this chapter to be submitted to the Commission shall be promptly considered and granted or denied by it. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Commission.

167.08 BOARD OF ADJUSTMENT.

1. There is hereby created a Board of Adjustment to have and exercise the following powers:

A. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Airport Commission in the enforcement of this chapter;

B. Special Exemptions. To hear and decide special exceptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass; and

C. Variances. To hear and decide specific variances.

2. The Board of Adjustment shall consist of seven members, two (2) members selected by the City Council, two (2) members selected by the County Board of Supervisors; two (2) members to be appointed by the City Council of Dakota City, Iowa, and an additional member to act as Chairperson shall be appointed by the majority vote of the members selected as above provided. The terms of the members shall be five (5) years. No member shall be a member of the Airport Zoning Commission.

3. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in the absence of the Chairperson, the acting Chairperson may administer

oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

4. The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this chapter.

5. The concurring vote of a majority of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Airport Zoning Commission or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter, or to effect variance from such regulations.

167.09 APPEALS.

1. Any person aggrieved, or any officer, department, board or bureau of the City or County affected by any decision of the Airport Zoning Commission made in its administration of this chapter may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Airport Zoning Commission and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Commission shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Commission certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order of the Board of Adjustment on application on notice to the Commission from which the appeal is taken and on due cause shown.

4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

5. The Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as ought to be made and to that end shall have all the powers of the Humboldt Airport Zoning Commission.

167.10 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

167.11 PENALTIES. Each day a violation of this chapter or of any regulation, order, or ruling promulgated hereunder continues to exist shall constitute a separate offense.

CHAPTER 168

AIRPORT REGULATIONS

168.01 Motor Vehicles Restricted
168.02 Cycles and Snowmobiles Restricted
168.03 Operation of Unlicensed Aircraft

168.04 Animals Running at Large
168.05 Trespassing
168.06 Discharge of Firearms

168.01 MOTOR VEHICLES RESTRICTED. Operation of motor vehicles upon the Humboldt Municipal Airport, except within designated roadways or driveways, and excepting maintenance vehicles permitted thereon by the Airport Commission, is prohibited.

168.02 CYCLES AND SNOWMOBILES RESTRICTED. The riding of bicycles, motorcycles, snowmobiles or other mechanical devices upon the premises of the Humboldt Municipal Airport, except maintenance machines permitted thereon by the Airport Commission, is prohibited.

168.03 OPERATION OF UNLICENSED AIRCRAFT. The operation of model airplanes, kites or any other airborne device in the airspace directly above the premises of the Humboldt Municipal Airport, except aircraft duly licensed as such by the Federal Aviation Administration of the United States, is prohibited.

168.04 ANIMALS RUNNING AT LARGE. The riding of horses or permitting any livestock to run at large upon the premises of the Humboldt Municipal Airport is prohibited.

168.05 TRESPASSING. The trespassing upon the premises of the Humboldt Municipal Airport in any area except those designated for public access by the Airport Commission, excepting and excluding licensed pilots, aircraft owners, passengers embarking, disembarking, loading baggage or unloading baggage, mechanics, maintenance personnel, peace officers or other public officials permitted or required to be present thereon in the performance of their duties is prohibited.

168.06 DISCHARGE OF FIREARMS. The discharge of any firearm, pneumatic gun, pistol, or revolver, or the carrying of the same upon the premises of the Humboldt Municipal Airport is prohibited, except such may be transported thereon if fully eased and unloaded, or as the use may be permitted by the Airport Commission for bird, rodent or vermin control. Also excepted and excluded from this section are peace officers on duty or members of the Armed Forces of the United States or of the Iowa National Guard.

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